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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,720	03/08/2001	Thomas C. Uhrig	11220-0006	4956

25267 7590 12/22/2004

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,720

Applicant(s)

UHRIG ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55,57-61 and 65-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55,57-61 and 65-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-4, 7-14, 16-33, 35-52, 57-61 and 65-68 are rejected under 35

U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The method may be carried out by hand as no technology is required, e.g. computer system. The terms "user interface" (e.g. claims 2, 31) or "global communications network" (e.g. claims 17, 35) or "multidimensional" (e.g. claim 61) do not obviate this line of reasoning as it may broadly be construed to read on a pen and folded piece of paper and voice communication between individuals.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-55, 57-61 and 65-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, "the business objectives" lacks antecedent basis and is not clear.

Claim 1, line 14, "the selected items" lacks antecedent basis and is not clear. It is noted that a singular "item" is claimed from the preceding line. However, no plural "items" are referenced. Thus, the language is not clear.

Claim 53, line 2, "the main computer" lacks antecedent basis and is not clear.

Claim 60, line 1, "the computer memory" lacks antecedent basis and is not clear.

Claim Rejections - 35 USC § 103

5. Claims 1-55, 57-61 and 65-68, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al., US 6,418,416.

Rosenberg discloses creating an inventory by analyzing inventory information data, e.g. 155, claim 8, business rules, e.g. Table 2, 468-472, 514, that relate to one or more business objectives, e.g. profit. The cabinet inventory is dynamically analyzed and a quantity is determined that needs to be restocked, e.g. Table 4, 500. A global communications network, e.g. web server 140 and web site 157 (e.g. Fig. 1), are used to selectively enable and disable the rules to maintain optimal inventory levels, e.g. 208 (Fig. 2). Rosenberg does not specifically disclose the terminology characteristics of data that significantly affect one or more business objectives, nor is disclosed a graphical user interface (GUI) to provide a pictorial representation to analyze the data.

However, the use of the analyzed data by Rosenberg would significantly impact the business objectives, while using a GUI in juxtaposition with a web and web server

would have obvious use of computer related equipment for one of ordinary skill in the art. Likewise, the use of other common knowledge computer related equipment, e.g. a computer mouse, a track ball, a touchpad, a pointing stick, an electronic pen, first and second remote computers, for Rosenberg would have been an obvious use for one of ordinary skill in the art. Regarding first and second stocking plans, Rosenberg inherently encompasses such as the stocking/restocking of the cabinet is completed after the independent data for the various items to be restocked is analyzed. It is noted that Applicant's business rules and business objectives have been common knowledge business criteria for a period of time that far precedes Applicant's filing date. To incorporate such with the stocking/restocking plan of Rosenberg would have been obvious to one of ordinary skill in the art.

6. Further pertinent references of interest are noted on the attached PT0-892.

Conclusion

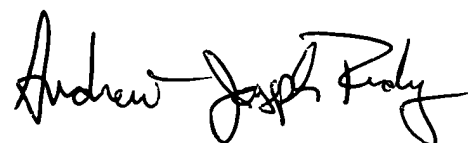
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is written in a cursive, flowing style with a large initial "A".